



Consultation response form

Your response

Question	Your response
<p>Question 1: Do you have any comments on our proposed approach to 'content and activity' which 'disproportionately affects women and girls'?</p>	<p><u>General Comments</u></p> <p>In terms of content, Chapter 2 provides a good overview of harmful content and activity which disproportionately affects women and girls online. Comments on the harms are provided below.</p> <p>However, whilst human trafficking and modern slavery is referenced at 2.8, it may be helpful to highlight/expand this issue and its disproportionate impact on women and girls' more clearly within the content and activity section.</p> <p>Furthermore, whilst the concepts and terminology used make sense to those consulted during the development of the guidance (frontline support organisations, experts and survivors) we are concerned that it will not be accessible to tech company employees. For example, the guidance refers to the academic concept of intersectionality which is only explained within the glossary. There are also no clear examples provided to demonstrate what it means in practice. Similarly coercive control is referenced multiple times without a clear explanation. Given that the guidance is aimed at a range of service providers – including social media, gaming and search services – we are concerned that this may not make sense to the intended audience.</p> <p>It would be helpful to better understand the level of awareness and training that tech company staff have around VAWG and the Scottish Government Equally Safe Strategy to determine if the guidance is appropriately structured.</p> <p>Technology evolves rapidly and therefore the threats and risks to women and girls online will change. It would be helpful for this to be acknowledged and for a marker</p>

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	<p>to be deployed to confirm how regularly the guidance is to be updated and the process for doing so/and with whom.</p> <p>The chapter is quite lengthy at 9 pages. Generally, a more concise and engaging chapter supported by examples may be more effective than an academic style report.</p> <p><u>Online domestic abuse</u></p> <p>2.26 – Types of TFVAWG like catfishing, impersonation, doxing etc. happen outwith intimate relationships too. Same with things like romance fraud.</p> <p>2.26 – Access online ‘bank’ accounts – more explanation could be provided on how tech is used in the context of economic abuse.</p> <p>As this section also covers stalking in the context of an intimate relationship should the heading be amended to domestic abuse and stalking? (References stalking in the context of an intimate relationship only. SCCJR (2019-20) reports that 22% victims report that their stalker was their partner/ex-partner. 42% reported that it was someone they had never seen before.¹)</p> <p><u>Image-based sexual abuse, including intimate image abuse and cyberflashing</u></p> <p>It is positive that the report recognises not only sexually explicit images but intimate scenarios based on specific cultural and religious contexts.</p> <p>A reference to sextortion, within the section on intimate image abuse would be helpful - Sextortion - Safer.scot</p> <p><u>Further comments and questions</u></p> <p>1.2 – What about AI apps e.g. Chat GPT or does this come under ‘search services’?</p>

¹ See [9.2 Stalking and harassment - Scottish Crime and Justice Survey 2019/20: main findings - gov.scot](#)

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	<p>Has OFCOM done any analysis on which services are the highest risk and have the largest reach, which could help tech companies prioritise actions?</p> <p>Is it confusing to have some harms on the Illegal Harms Register of Risks and some in this guidance? Particularly, as some of the harms listed in the guidance are illegal e.g. IBSA. Are the illegal harms in the Register identified as VAWG harms specifically? Should/do the nine steps also apply to the illegal VAWG harms? i.e. is there consistency across all the various guidance materials in relation to preventing and addressing VAWG?</p>
<p>Question 2: Do you have any comments on the nine proposed actions? Please provide evidence to support your answer.</p>	<p>Taking responsibility</p> <p>It is unclear how helpful the structure of the actions is as there appear to be overlaps in the areas and some mis-named areas: the desire for a neat 3x3 approach overriding the purpose of the guidance. It is possible that a heading “taking responsibility and preventing harm” would be broader and more effective, encompassing actions 1 and 2 merged, 3 and 4. This will avoid some of the duplication of actions.</p> <p><u>Action 1: Ensure governance and accountability processes address women and girls’ online safety</u></p> <p>It is positive that recognition of broader gender/women’s inequality shapes the environment and culture of the companies which, in turn, shapes the way the issue of VAWG is understood and addressed. However if thinking about these issues is new to you/you have not before seen it as “your issue” this action will not be understood. It might therefore be useful to reposition this ask – or explain the need better.</p> <p>Are these available to see – is there an opportunity for consistency across the sector?</p> <p><u>Action 2: Conduct risk assessments that focus on harms to women and girls.</u></p> <p>This is a practical action that could make a difference if companies embrace it appropriately. Again, helpful if providers were to get their risk assessments endorsed by stakeholders to secure confidence in their approach and</p>

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	<p>if an internal governance body was established to have an external attendee in an observer capacity – sounding board.</p> <p><u>Action 3: Be transparent about women and girls’ online safety</u></p> <p>Unlike the action, above, this is a high level and somewhat vague ask and might be best rolled into the governance point. It would be stronger if providers were asked to demonstrate that they have proactively contacted experts for advice and where that has not happened, to explain why.</p> <p>Preventing harm</p> <p><u>Action 4: Conduct abusability evaluations and product testing</u></p> <p>This is a practical action that could make a difference if companies embrace it appropriately. It might sit better under a merged “taking responsibility and preventing harm” section.</p> <p>A range of recommendations in the guidance relate to steps to protect children e.g. 4.26 – could this be tailored more to address VAWG risks specifically? An explanation on how this relates to VAWG would be helpful e.g. is it that certain types of harmful content are targeted at girls or about girls?</p> <p>4.37 – are ‘recommender systems’ the algorithms? Could/should this be made clearer?</p> <p><u>Action 5: Set safer defaults</u></p> <p>5.9 – Some of the ‘harms’ will be illegal (e.g. IBSA) – what measures will tech companies take to report illegal behaviour to the police? If this is covered elsewhere, perhaps a link/reference could be made.</p> <p>Are there implications for tech companies on the need to retain more data for the purposes of monitoring and reporting abuse?</p> <p>5.19 Is a complaint the same as a report?</p>

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	<p>5.21 – this is arguably one of the most important safety mechanisms. Is there a way to flag which actions across the guidance survivors have indicated would make the most difference for them?</p> <p>5.24 – ‘take down’ – what about content that is illegal/harmful for women too e.g. IBSA? Should ‘enforcement action’ also come under Foundational Steps? Is there the right balance between supporting victims and holding those who post abusive content to account?</p> <p>Supporting women and girls</p> <p><u>Action 8: Enable users who experience online gender-based harms to make reports.</u></p> <p>8 and 9 are interconnected – it would be helpful if service providers were required to sense check their processes for harms to be reported and to then have a process in place to demonstrate the outcome of taking action – whatever that might be in a public way.</p> <p><u>Action 9: Take appropriate action when online gender-based harms occur</u></p> <p>It would be helpful if this action was framed as holding perpetrators to account.</p>
<p>Question 3: Do you have any comments about the effectiveness, applicability or risks of the good practice steps or associated case studies we have highlighted in Chapter 3, 4 and 5? Are there any additional examples of good practices we should consider? Please provide evidence to support your comment.</p>	
<p>Question 4: Do you have any feedback on our approach to encouraging providers to follow this guidance, including our proposal to publishing an assessment of how providers are addressing women and girls’ safety? Do you have any examples or suggestions</p>	<p>Perhaps tech companies could be awarded different coloured safety flags or some kind of ‘award’ or grading system?</p> <p>Will there be a summary for the public about Ofcom’s role in this space that accompanies the finalised guidance?</p>

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<p>of other ways we could encourage providers to take up the ‘good practice’ recommendations?</p>	<p>On terminology, there could be a recognition that ‘sex work’ isn’t a term that is used by all and that there may be other terms used to describe this, such as commercial sexual exploitation. A reminder that Human Trafficking and Prostitution are priority offences in the Online Safety Act here may be helpful.</p> <p>How will the effectiveness of new safety measures be monitored? Providers should be encouraged to evaluate the new safety tools they put in place to build the evidence base on what methods are most effective at preventing and addressing TFVAWG – will there be an example as to how to do that? An evaluation of a reporting system for example could be built in from the start with automated customer feedback prompts. Is OFCOM planning how it will monitor this and share evidence more widely on ‘what works’ and best practice?</p>
<p>Question 5: Do you have any comments on our impact assessment, rights assessment, or equality impact assessment? Please provide any information or evidence in support of your views.</p>	<p>The recent research on ‘sex buyer’ reviews may be of interest to Ofcom: New research investigates misogyny and consent on escort online reviews University of Portsmouth.</p>
<p>Question 6: Do you agree that our draft Guidance is likely to have positive effects on opportunities to use Welsh and treating Welsh no less favourably than English? If you disagree, please explain why, including how you consider the draft Guidance could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.</p>	

Please complete this form in full and return to OS-Section54@ofcom.org.uk.